

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 4:20-CR-00014-SDJ-AGD
	§	
DUSTIN WAYNE MACKEY (1)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This report and recommendation addresses a petition for revocation of the defendant's supervised release. Dkt. 41 (sealed).

PROCEDURAL HISTORY

On September 15, 2020, United States District Judge Sean D. Jordan sentenced defendant Dustin Wayne Mackey to 35 months of imprisonment followed by three years of supervised release. Dkt. 37 at 2–3 (sealed). Hughes's term of supervised release commenced May 15, 2023. Dkt. 41 at 1 (sealed).

In January 2025, a probation officer petitioned the court for a warrant, alleging that Mackey had violated three conditions of his supervised release. Dkt. 41 (sealed). Those allegations were that Mackey had violated the conditions of supervision that required him to (a) refrain from any unlawful use of a controlled substance; (b) not interact with someone convicted of a felony without first getting permission from the probation officer; and (c) participate in a program of testing and treatment for substance abuse. Dkt. 41 at 1–2 (sealed).

In support of those allegations, the petition asserted that in 2024, Mackey tested positive for controlled substances three times; Mackey communicated with a convicted felon, Angel Reaves; and twice in December 2024, Mackey failed to attend scheduled counseling appointments. *Id.*

A final revocation hearing was held before me on January 27, 2025. Mackey pleaded true to the allegations. Minute Entry for Jan. 27, 2025. He also consented to revocation of his supervised release and waived his right to object to my proposed findings and recommendations. *Id.*; Dkt. 51.

The government requested a sentence of 13 months imprisonment with no supervised release to follow, which is within the federal sentencing guidelines; the defendant agreed. After hearing argument from counsel, the court announced what its recommendation would be.

RECOMMENDATION

In accordance with the Sentencing Reform Act of 1984, and having considered both parties' arguments, the court recommends that: (1) Mackey's supervised release be revoked based on allegations one, two, and three in the petition, Dkt. 41; and (2) Mackey be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 13 months, to run consecutive to any other term of imprisonment, with no supervised release to follow.

So ORDERED and SIGNED this 31st day of January, 2025.



Don Bush
United States Magistrate Judge